

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Plaintiff
v

JUDGMENT IN A CIVIL CASE
CASE NUMBER:

Defendant

JURY VERDICT. This action came before the Court for trial by jury. The issues have been tried and the jury has rendered its verdict.

DECISION BY COURT. This action came before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Date:

CLERK, U.S. DISTRICT COURT

By: Deputy Clerk

IMPORTANT NOTICE REGARDING APPEALS
PLEASE READ CAREFULLY BEFORE YOU FILE A NOTICE OF APPEAL.

A prisoner seeking to appeal a judgment of the district court must file a notice of appeal in the district court. **Upon filing a notice of appeal in district court, a prisoner is responsible for payment of the full \$505 appellate filing fee regardless of the outcome of the appeal.** 28 U.S.C. section 1915.

A prisoner must pay the appellate filing fee in one of two ways:

(1) Immediate payment of the full filing and docketing fees for the appeal. Submit a money order, check, or cash in the amount of \$505 to the district court (checks and money orders should be made payable to: Clerk of the United States District Court),

OR

(2) Submit to the district court clerk a motion for leave to proceed in forma pauperis on appeal. If the motion is granted, an initial partial payment will be deducted from the prisoner's funds with the remainder of the fees paid on an installment basis. A notice of appeal serves as consent to deduct the initial partial appellate filing fee and the remaining installments from the prisoner's institutional account by prison officials. The directions and forms for filing an application to proceed in forma pauperis on appeal are attached to this notice.

If the court determines that the prisoner has no assets and no means by which to pay the initial partial filing fee, the prisoner will still be liable for the entire \$505, but the case will be allowed to proceed without any initial payment. When funds become available in the prisoner's account, the prisoner will begin paying the full \$505 on the installment plan.

Proceeding In Forma Pauperis on Appeal

If you wish to proceed in forma pauperis on appeal, you must submit all of the following to the district court clerk:

- (1) a motion for leave to proceed in forma pauperis on appeal,
- (2) a financial affidavit, and
- (3) within 30 days of filing the notice of appeal, a certified copy of your prison account statement for the last 6 months.

Even if you were granted in forma pauperis status when you filed your complaint in this case, you must provide updated in forma pauperis information. Failure to file the prison account information will result in the assessment of an initial partial appellate fee of \$35 or some other reasonable amount based on whatever information about your finances the court has.

Once the district court clerk's office receives all of the above documents, it will determine whether you may proceed in forma pauperis on appeal and whether to certify to the Eighth Circuit that the appeal is not taken in good faith. See 28 U.S.C. section 1915(a)(3) and Federal Rule of Appellate Procedure 24(a).

If you are permitted to proceed in forma pauperis, the court will calculate the initial partial payment which is an amount equal to 20% of the greater of:

(1) the average of the monthly deposits into your trust account during the last 6 months, **or**

(2) the average of the monthly balance of your trust account during the last 6 months.

You and the appropriate prison official will receive an order assessing you initial partial payment. **You are responsible for paying the balance of the \$505 fee in monthly installments.** For example, if the court assesses an initial partial payment of \$25, you must pay the remaining \$480 in monthly installments, **REGARDLESS OF THE OUTCOME OF YOUR APPEAL.** Each monthly installment will be equal to 20% of the preceding month's income credited to your account. Prison officials will deduct these amounts and send them to the district court.

If the district court rules that your appeal is not taken in good faith, it will deny you the right to proceed on appeal in forma pauperis and certify to the Court of Appeals for the Eighth Circuit that the appeal is not taken in good faith. If you still wish to pursue the appeal in forma pauperis, you must file a motion to proceed in forma pauperis with the Eighth Circuit under Fed. R. App. P. 24(a). Upon filing a Rule 24(a) motion, you immediately will be responsible for paying the appellate fee either on the installment plan, or all at once if you have three dismissals under section 1915(g).

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

NOTICE OF APPEAL

Plaintiff _____ * _____ District Court Docket Number _____
* _____
* _____
* _____
* _____
Defendant _____ * _____ District Court Judge _____

Notice is hereby given that _____ appeals to the United States Court of Appeals for the Eighth Circuit from the Judgment Order entered in this action on _____.

Signature of Appellant/Cnsl _____ Street Address _____

Date _____ City _____ State _____ Zip _____

Typed/printed Name _____ Telephone Number _____

Transcript Order Form: (To be completed by attorney for appellant)

Please prepare a transcript of: _____
(Specify)

I am not ordering a transcript because: _____
(Specify)

CERTIFICATE OF COMPLIANCE

Appellant hereby certifies that copies of this notice of appeal/transcript order form have been filed/served upon the US District Court, court reporter, and all counsel of record and that satisfactory arrangement for payment of cost of transcripts ordered have been made with the court reporter (FRAP 10(b))

Attorney's Signature _____ Date: _____

NOTE: COMPLETE APPROPRIATE APPEAL SUPPLEMENT FORM

UNITED STATES DISTRICT COURT

for the

____ District of _____

Plaintiff/Petitioner)
 v.)
 _____) Civil Action No.
 _____)
Defendant/Respondent)

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
 (specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Pension, annuity, or life insurance payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(d) Disability, or worker's compensation payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(e) Gifts, or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(f) Any other sources	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name